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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,310	02/27/2002	Kuo-Rong Chen	CHEN3339/EM	5501

23364 7590 12/28/2004

BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314

EXAMINER
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TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,310

Applicant(s)

CHEN ET AL.

Examiner

Tuan A Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoffberg (6,252,544).

Regarding claims 1-3, Hoffberg discloses a real time traffic condition reporting system (See fig. 1) comprising: a global positioning unit 2 adapted to compute information of a current geometric location of the real time traffic condition reporting system (See fig. 1 and col. 26 lines 35-51, col. 33 line 49 to col. 34 line 15); a radio transmitting receiving unit 5 adapted to receive information of multiple geometric

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locations where traffic conditions have occurred, and information about the corresponding traffic conditions (See figs. 1-3 and col. 18 line 64 to col. 19 line 15, col. 20 lines 35-58, col. 21 lines 13-45, col. 36 lines 31-34); an output unit 29, 30 (See fig. 1); a microprocessor 6 adapted to compare the information of the current geometric location provided by the global positioning unit 2 with the information of the geometric locations where the traffic conditions have occurred, so as to select the information of the geometric locations where the traffic conditions have occurred and the corresponding information about traffic conditions subject to a predetermined condition for output through the output unit 29, 30 wherein the predetermined condition means a selected road or a selected geometric zone (See figs. 1-3 and col. 32 line 60 to col. 34 lines 45); an input unit adapted to enable a user to input or modify the predetermined condition (See col. 34 lines 16-45).

Regarding claim 4, Hoffberg discloses as cited in claim 1. Hoffberg further discloses the information of multiple geometric locations to be received by the radio transmitting receiving unit 5 means codes of the geometric locations where traffic conditions have occurred (See figs. 2-3 and col. 19 lines 5-15, col. 29 line 8 to col. 30 line 3, col. 31 lines 34-47).

Regarding claims 5, Hoffberg discloses as cited in claim 1. Hoffberg further discloses memory means 4 adapted to store the information of geometric locations of traffic conditions that have occurred and the information about the corresponding traffic conditions (See figs. 1-3 and col. 22 lines 18-38, col. 33 line 25 to col. 34 line 45).

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Regarding claim 6, Hoffberg discloses as cited in claim 1. Hoffberg further discloses an electronic map database adapted to store electronic maps for fetching by the microprocessor 6 for further output through the output unit 29, 30 with the selected information of the geometric locations of the traffic conditions that have occurred and the corresponding information about traffic conditions (See figs. 1-3 and col. 33 line 25 to col. 34 line 45).

Regarding claim 7, Hoffberg discloses as cited in claim 1. Hoffberg further discloses the global positioning unit 2 is a GPS (See fig. 1 and col. 18 lines 31-41).

Regarding claim 8, Hoffberg discloses as cited in claim 1. Hoffberg further discloses the information of multiple geometric locations where traffic conditions have occurred and the information about the corresponding traffic conditions to be received by the radio transmitting receiving unit 5 is provided by a traffic condition control center by radio broadcasting (See fig. 1 and col. 19 lines 5-15, col. 21 lines 13-45, col. 24 lines 4-11).

Regarding claim 9, Hoffberg discloses as cited in claim 1. Hoffberg further discloses the radio transmitting receiving unit is a pager (See fig. 1).

Regarding claim 10, Hoffberg discloses as cited in claim 1. Hoffberg further discloses the output unit 29, 30 is a display (See fig. 1).

### ***Response to Arguments***

Applicant's arguments filed August 16, 2004 have been fully considered but they are not persuasive.

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a. The Applicant argued that the Hoffberg patent does not disclose or suggest such customization based on selection according to predetermined conditions (See Remark, page 5-6). The Examiner respectfully disagrees with the Applicant's arguments because the Hoffberg patent does teach such customization based on selection according to the predetermined conditions (See above rejections for details). For that reason, the Examiner maintains the same rejections for all pending claims.

b. The Applicant argued that the Hoffberg patent fails to disclose the use of "location codes" or inclusion of the system in a "pager" (See Remark, page 6). The Examiner respectfully disagrees with the Applicant's arguments because Hoffberg does disclose the use of "location codes" (See col. 25 lines 32-35) and the inclusion of the system in a "pager" that can receive short message format (See col. 25 lines 5-9 and col. 26 lines 7-10).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

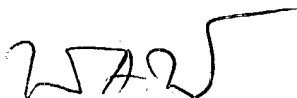
Washington, D.C. 20231

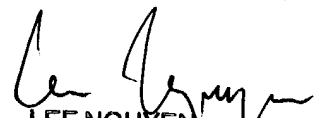
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

  
Tuan Tran

  
LEE NGUYEN  
PRIMARY EXAMINER

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